

EXHIBIT 12

Teacher receives \$135,000 civil rights settlement

Eight years is a long time to wait for justice, but the struggle for Marjorie McNie was worth it. After fighting a long battle to recover her job and back pay, the former PSEA local association president now will receive \$135,000 from the New Brighton school district for violation of her civil rights.

On September 27, PSEA staff attorney Todd C. Park successfully settled the federal civil rights lawsuit PSEA funded on behalf of the embattled former president of the New Brighton Education Association (NBEA). McNie's employer had begun its campaign of intimidation and retaliation against her nearly eight years ago.

McNie, who worked as the middle school librarian, successfully opposed a school board member's unilateral attempt to engage in censorship. In retaliation, this board member, together with his sister and their friends, went to the administration and lodged false allegations against McNie that she was cruel to students. The administration conducted two separate investigations of these complaints and determined that they were unfounded.

In the fall of 1995, this same board member, together with his board allies, falsely accused McNie of soliciting campaign contributions on school grounds for their political opponents. They demanded that the superintendent immediately dismiss her. Instead, the superintendent sus-

pended McNie for three days. This suspension was subsequently overturned through arbitration.

The district's attack on McNie intensified after she was elected president of NBEA in 1996. While McNie served as president, the association found it necessary to file six separate unfair labor practice claims against the district, as well as numerous grievances which were successfully arbitrated on behalf of other district employees. In addition, McNie challenged the district's failure to comply with special education laws and regulations and filed a complaint with the Pennsylvania Department of Education (PDE) against the district. McNie also spearheaded the opposition to the district's decision to hire an uncertified individual as superintendent.

In the winter of 1997, the uncertified superintendent received notice from PDE of complaints containing the same false allegations of cruelty to students that had been investigated and rejected by the prior administration on two separate occasions. PSEA eventually learned that the disgruntled board member and his sister orchestrated these complaints. The superintendent, with the full backing of seven members of the school board, terminated McNie from her position as school librarian in June of 1997.

NBEA immediately filed a grievance on McNie's behalf challenging the unjust dismissal. The district refused to provide the association or

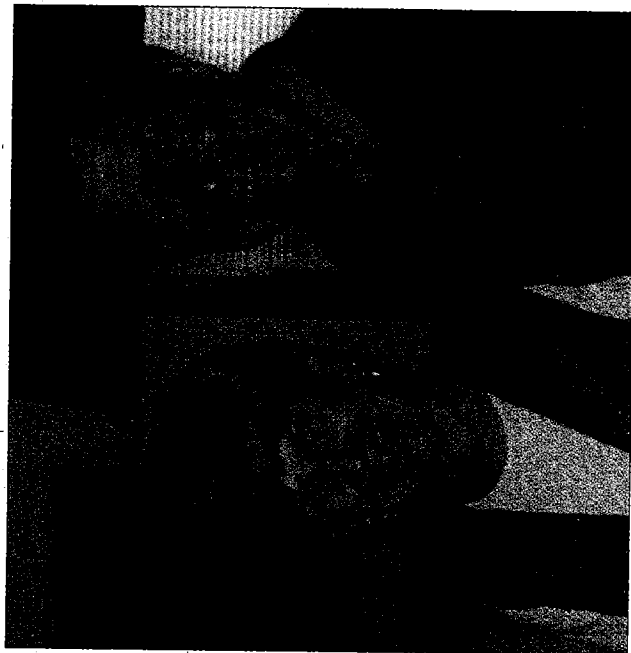
McNie with any information regarding the allegations against her.

In September 1997, PSEA prepared and funded civil rights litigation against the superintendent and seven board members in their individual capacities.

Following the initiation of this lawsuit, the district did finally agree to provide the information the association needed to defend McNie.

The grievance regarding McNie's termination was eventually arbitrated in May of 1998. In August 1998, the impartial arbitrator ordered that McNie be reinstated with full back pay and restoration of all lost benefits. The district reinstated McNie in September 1998.

PSEA continued to pursue the civil rights action against the district, board members and superintendent. On the eve of trial, the defendants agreed to pay McNie \$135,000 to settle all claims. This amount is in addi-



Marjorie and Red McNie celebrate a hard fought victory.

tion to the full back pay McNie already received in 1998.

A portion of this settlement will be allocated to PSEA to partially reimburse the association for the considerable legal expenses it incurred throughout the eight-year litigation.

"This settlement is a significant victory and a vindication for McNie and the valiant efforts she put forth on behalf of her local and its members," said PSEA Attorney Todd Park.

In addition to Park, John West of Bredhof & Kaiser provided assistance throughout this litigation.

Whistle blower is also accused

EXHIBIT 13

ADVOCATING FOR EXCELLENCE

1 accused teacher fully exonerated

...e allegations
Born IV in the
on October 1, 1999
Harbor Creek High
wrestling coach and head
high school...excluded part of the
assault and corruption of indecent
More charges were yet to come.

A year and 24 days after the original charges were filed in the alleged incidents with two female students, three more charges were filed against Born involving a third student. Another count of indecent assault, another count of corruption of a minor and a new one: luring a child into motor vehicle. Five charges in all were filed, with the possibility of up to 19 years in prison.

It would take another year and a half before readers would know if Jim Born was guilty. But it would take six years total before he was exonerated.

Round one

The first time Born heard any details about the accusations that would consume the next six years of his life would be on the local news at the same time every friend, neighbor, colleague and student did.

Earlier in the day, Born had received a call from the interim district superintendent who informed him that there had been some allegations made against him by students, and he was suspended and was not to report for work on Monday.

"I asked him what kind of allegations, and who had made them, and he said, 'I can't tell you but, if you want to watch the 11 o'clock news,'" Born.

Remember lying in bed watching the news? It was the lead story that says Born. "What's going on?"

baby Ellie and his parents watched the trial unfold that would determine whether he would remain a free man. "When I saw Kaye holding Ellie, the turmoil would disappear for a minute," says Born. "It was at times such as this that I was reminded of just how precious some things in life are."

Moment of truth

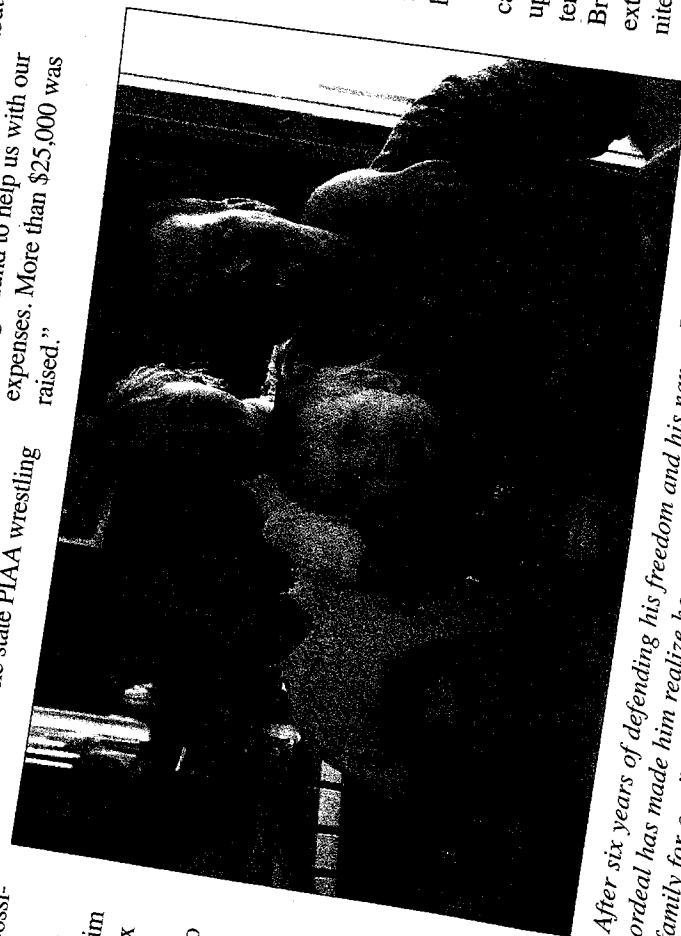
During the trial, several key factors emerged. Born had never given a ride home to the accuser after a wrestling match; rather, she was taken home by an assistant coach. On one of the alleged dates, it was confirmed that Born attended the state PIAA wrestling

raised."

meet when you are suspended without pay and trying to support a family of five and pay for health insurance," says Born. "All the money we had came from our landscaping business. It was quite stressful knowing we had legal fees totaling nearly \$80,000."

Born also credits his local association with holding a benefit fundraiser on his behalf.

"Paul Moneta, president of the Harbor Creek Education Association, sent every local PSEA president a letter asking if they wanted to help contribute to a legal fund to help us with our expenses. More than \$25,000 was raised."



After six years of defending his freedom and his name, Jim Born says the ordeal has made him realize how precious some things are in life — "My family for one."

championships. Two of the three accusers had been caught cheating on a major English project that would have resulted in their failing the course and having to go to summer school.

In addition, his accuser contradicted her own testimony as to where Born had allegedly stayed.

Members rally to help

Born says the support was overwhelming. "That's 501 districts in the state. A lot of members sent cards and letters and checks."

says it was clear that all the district cared about was its image. "I was the problem that tarnished that image. The easiest way to win is to get rid of the problem," he says.

"Yes, there was a time where I thought the district was after truth and justice. But as things unfolded, it became clear that it wasn't," he adds.

Born points to documents that were requested at discovery that the district said were shredded. "They testified that they shredded them, but then they reintroduced those documents at my arbitration," Born says. A wrestling file that would have proven certain dates and Born's whereabouts on certain times was mysteriously lost.

PSEA legal costs mount

As preparations for the arbitration to have him reinstated began, Born recalled the tremendous work that PSEA's legal division did on his behalf. By September 16, 2002, John Paul Jones, former PSEA staff attorney in the Edinboro office, had worked 489 hours on Born's legal defense.

"John worked endless hours on my case," says Born, adding, "and he put up with a lot of my frustrations by listening to my venting. And Debbie Brace, PSEA legal associate, was extremely helpful, too. PSEA was definitely there when I needed help."

In the end, PSEA's legal division had accumulated almost 1,200 hours to defend Born and incurred over \$138,636 in legal expenses.

Not over yet

Five months after being acquitted in his criminal trial, Born's first arbitration hearing began with the veteran teacher pursuing a civil case.

Mall event focuses on reading

In an effort to bring broader attention to the important role that reading plays in helping every child succeed in school, public school teachers in Bucks and Montgomery counties joined forces with the Oxford Valley Mall in Langhorne on April 2 to enchant youngsters of all ages with the magic of reading.

Organized by the Mideastern Region, in collaboration with the mall and Radio Disney, the reading and

learning program featured a wide array of guest readers. Characters such as Ben Franklin and Abe Lincoln, as well as school superintendents, teachers, public officials, and business leaders, all joined in the fun. The famous Dr. Seuss "Cat in the Hat" also was on hand to entertain the scores of children who turned out for the event.

PSEA Mideastern Region President-elect Jerry Oleksiak said the

event highlighted the importance of reading both for learning and for fun.

"Reading is a cornerstone to effective learning," Oleksiak said, noting that "Communities with successful public schools have several factors in common—an abundance of books in public libraries, easy access to books in the home and in the community at large, and a large number of appropriate text books for each student."

Born, continued from page 6

by ruling that the previous two proceedings—the criminal trial, carrying a high burden of proof and the arbitration, carrying a lesser burden of proof—satisfied any question as to his innocence.

That was not the case. On February 26, 2003, Notice of Charges was filed by the department accusing Born of immorality, intemperance and cruelty.

Triple Jeopardy

After Born had successfully defended his liberty by acquittal the criminal courts, successfully defended his financial security by winning the arbitration, he was now faced with a potential penalty every bit as threatening at the last Professional Standards and Practices Commission (PSPC) hearing: he would lose his certificate and no longer be able to teach.

The PSPC hearings with the department commenced on October 21, 2003, and concluded, after seven hearings, on May 5, 2004. The Hearing Officer's Finding of Fact and Recommendation

was filed on December 30, 2004. "No wrongdoing on the part of James F. Born IV," the document stated.

The department, though not legally obligated to, accepted the finding on March 7, 2005. The first half of Born's six-year odyssey through the legal system was over. While the first half of Born's ordeal centered on defending his freedom, his financial security and his career, Born says the second half will be devoted to "seeking justice."

Born is currently moving forward with litigation against the district and individuals involved in the cases. Having lost nearly \$80,000 in legal fees and half of the back pay owed to him, in addition to legal fees associated with costs of pursuing a civil case, compensation is certainly important.

Lessons learned

Looking back over the last six years, both Borns are quick to realize the way that their ordeal has shaped their perspectives—for better and for worse.

"The toughest part has been our

finances," explains Born. "We didn't ask for any of this. My parents have refinanced for us and they're maxed out. We're pretty much at the bottom financially. And that's tough," says Born, adding, "I run a landscaping business and I teach. I'm only thirty-five and I'm tired."

But with all the tribulations that the Borns have faced as husband and wife, there have been some bright spots, too. During the course of their ordeal, the Borns have added two beautiful daughters to their family, their son continues to excel at sports and art, and their eldest daughter recently scored a perfect "10" in the vault event in gymnastics, a nearly impossible feat.

The Borns are a family that defended their freedom and their livelihood through an ordeal that would have broken many other families apart. And although they did manage to meet their opposition three times and emerge victorious, a larger battle, the one that will restore some sense of justice to it all, has yet to be waged.

community outreach committee.

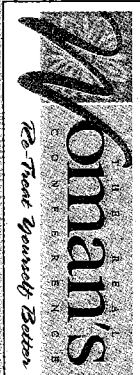
"That's why we decided to partner with the United Ways for this important initiative."

Oleksiak said the initiative, dubbed the "MBA Project" (Mind Building Activities) and implemented in the region several years ago, is intended to provide students with the basic resources they need to do the work of school.

The school supplies were packaged in 1,000 student-friendly school bags and distributed through United Way agencies. The school bags featured the region and United Way logos.

"We were happy to partner with United Way," said James Sando, Mideastern Region president. "We are extremely pleased with the success we achieved together."

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